

MICHAEL P. HEALY, #4777-0
1188 Bishop Street, Suite 3304
Honolulu, HI 96813
Telephone: (808) 525-8584
Facsimile: (808) 376-8695

CHARLES H. BROWER, #1980-0
900 Fort Street, Suite 1210
Honolulu, HI 96813
Telephone: (808) 526-2688
Facsimile: (808) 526-0307

Attorneys for Plaintiff
Justin R. Arnold

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JUSTIN R. ARNOLD,

Plaintiff,

vs.

HUALALAI INVESTORS, LLC,
FOUR SEASONS RESORT
HUALALAI,

Defendants.

CIVIL NO. _____

COMPLAINT; JURY
DEMAND; SUMMONS

COMPLAINT

COMES NOW, Plaintiff JUSTIN R. ARNOLD, by and through his attorneys
Charles H. Brower and Michael P. Healy, and for causes of action against
Defendants, alleges and avers as follows:

THE PARTIES

1. Plaintiff JUSTIN R. ARNOLD (hereinafter “ARNOLD”) is and was at all times mentioned herein a resident of Waikaloa, Hawaii.

2. Defendant HUALALAI INVESTORS, LLC, (hereinafter HUALALAI) is and was at all times mentioned herein a foreign limited liability company incorporated in the State of Delaware with a principal place of business in the State of Hawaii.

3. Defendant FOUR SEASONS RESORT HUALALAI (hereinafter “FOUR SEASONS”) is a Hotel and Resort doing business in the State of Hawaii, which is owned, operated or controlled by Defendant HUALALAI.

NATURE OF THE CASE

4. Plaintiff was hired by Defendant FOUR SEASONS in November 2016, as a Safety and Security Officer to work at the FOUR SEASONS RESORT HUALALAI.

5. On September 16, 2021, Plaintiff submitted a request for religious exemption from Covid-19 vaccination and testing because of his religious beliefs. The exemption was denied and Plaintiff was terminated when he filed a Charge of Discrimination for religion discrimination with the Equal Employment Opportunity Commission (EEOC).

JURISDICTION

6. The jurisdiction of this Court is pursuant to Title VII of the Civil Rights Act of 1964, as amended.

7. On October 4, 2021, Plaintiff filed a Charge of Discrimination based upon religious discrimination.

8. The administrative prerequisites for filing this cause of action have been fulfilled. A Dismissal and Notice of Rights was issued by EEOC on April 8, 2022.

STATEMENT OF FACTS

9. Plaintiff was hired by Defendants in November 2016 to work as a Safety and Security officer at the Four Seasons Resort Hualalai. Plaintiff planned to work for Defendant for as long as possible.

10. Plaintiff has had a long standing religious belief which does not allow vaccination and other procedures.

11. In 1995, Plaintiff's mother obtained a religious exemption for vaccinations in Brandenton, Florida, for Plaintiff to attend school. Plaintiff did not get vaccinations for school based upon the exemption.

12. Plaintiff worked as a security officer for Defendants during the entire pandemic period beginning in March 2020, without vaccination or testing for Covid.

13. In September 2021, Plaintiff was informed that he would need to either vaccinate or test for Covid to keep working at the Four Seasons.

14. On September 16, 2021, Plaintiff asked for a religious exemption from vaccination and testing.

15. The religious exemption was denied by Defendants and there was not an interactive process to find an accommodation.

16. Plaintiff was placed on a leave of absence and released from work on September 17, 2021.

17. On October 4, 2021, Plaintiff filed a Charge of Discrimination with the EEOC because of religious discrimination.

18. On October 7, 2021, Plaintiff notified Defendant of the EEOC filing.

19. On October 8, 2021, Plaintiff was terminated.

STATEMENT OF CLAIMS

COUNT I - RELIGIOUS DISCRIMINATION AND RETALIATION

20. Plaintiff repeats and re-alleges all prior allegations as if fully set forth herein.

21. Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination and termination due to religion and based on retaliation for complaining of the discrimination.

22. The aforesaid acts and/or conduct of Defendant constitutes discrimination as they were acts and/or failure to act by Defendants and employees in direct violation of Title of the Civil Rights Act of 1964, as amended.

23. Plaintiff has suffered, as a direct and proximate result of the aforesaid conduct, damages by way of loss of earnings and earning capacity, loss of fringe and pension benefits, and other benefits due him.

24. As a further direct and proximate result of said unlawful conduct, Plaintiff has suffered the indignity of harassment, the invasion of his right to be free from unlawful employment practices, and great humiliation, which is manifest in emotional distress.

25. As a further direct and proximate result of said unlawful employment practices, Plaintiff has suffered mental anguish, outrage, depression, severe anxiety about his future and his ability to support himself, harm to his employability and earning capacity as well as loss of a career advancement opportunity, painful embarrassment among his friends and co-workers, disruption of his personal life, and loss of enjoyment of the ordinary pleasures of everyday life for which he is entitled to an award of general damages.

COUNT II - WHISTLEBLOWER'S PROTECTION ACT

26. Plaintiff repeats and realleges all prior allegations as if fully set forth herein.

27. The termination was in violation of H.R.S. § 378-62 due to Plaintiff's report of discrimination to the EEOC.

28. The actions of Defendants and employees as described above are oppressive, outrageous, and otherwise characterized by aggravating circumstances sufficient to justify the imposition of punitive damages.

WHEREFORE, upon a hearing hereof Plaintiff prays that judgment be entered on all Counts:

- A. For reinstatement to employment with Defendant FOUR SEASONS with full benefits; and
- B. For all damages to which Plaintiff is entitled, including general damages and other damages to be proven at trial; and
- C. For special damages, including back pay, front pay and other expenses; and
- D. For punitive damages; and
- E. For attorney's fees, costs, and interest, including prejudgment interest; and
- F. For such other and further relief as is appropriate.

DATED: Honolulu, Hawaii, July 7, 2022.

/s/ Charles H. Brower
CHARLES H. BROWER
MICHAEL P. HEALY
Attorneys for Plaintiff
Justin R. Arnold